

Judiciary Budget Issues Talking Points

(May be incorporated into letters to lawmakers)

April 15, 2003

The Judicial Council (along with the State Bar of California and numerous local bar associations) is requesting the Legislature to reduce the level of cuts proposed for the state trial courts and judiciary in the 2003-04 budget – and is requesting that the Governor not line-item veto any such restoration.

Specifically, the council is asking for the following changes in the budget:

- Reducing the cuts in the budget for the state's trial courts from \$116 million to less than \$100 million;
- Reducing the proposed cuts in the judiciary budget from \$17.7 million to less than \$8.5 million; and
- To hold the judicial branch harmless should policy initiatives fail to produce anticipated savings. The council and supporting bar associations are aware of and sympathetic to the state's current dire fiscal situation, and the need for all elements of government to share in the responsibility for making essential, and often painful, reductions.

While accepting that the court system must face serious reductions because of the fiscal crisis, the council and supporting bar associations are concerned that the cuts in court and judicial operations proposed in the current budget are disproportionate, and seriously threaten essential access to justice in California due to the uniquely inflexible nature of the judicial branch budget.

Less than 40% of the judicial branch budget is available to be cut:

- 61% of the budget for the trial courts is restricted – i.e., comprised of rents, judges' salaries and benefits, and other costs that cannot be reduced. Only 39% is unrestricted.
- Because of this lack of flexibility, a 10% cut in the operating budgets of the trial courts must come from the unrestricted portion of the budget, amounting to a 26% reduction in funding in this area.

The judicial branch budget has already been substantially slashed in the current and prior years – the current year budget (2002-03) has been reduced by a net of \$239.4 million, or 9.15%.

- The proposed budget includes even more reductions (\$133.7 million – \$17.7 million for the judiciary and \$116 million for the trial courts), in the face of an additional \$230.4 million in unfunded mandatory costs.
- The proposed budget assumes the enactment by the Legislature of policy changes that are estimated to reduce the impact on the judicial branch budget by \$129.3

million in either increased revenues or cost reductions. All these changes are uncertain, however, and the Legislature's failure to enact one or more of them will increase the pressure on the courts' very limited discretionary budget.

- If none of the policy initiatives listed above are enacted by the Legislature, and the judicial branch's budget is not restored, the actual net impact on the base budget for 2003-04 will be a reduction of \$396.4 million or 15.3%.

The proposed budget cuts put at risk the following programs funded from the discretionary portion of the judiciary's budget – all of which are extremely important to providing access to legal services for the people of California, and particularly the poor and less fortunate:

- Equal Access Fund – Currently \$10 million for the support of legal services for the poor and indigent (battered spouses, families seeking benefits for disabled children, elderly victims of fraud, etc.)
- Family Law Information Centers
- Court-appointed mediator programs and court-appointed special advocates
- Night courts
- Small claims courts
- Self-help centers
- Complex litigation programs that benefit both consumers and businesses by increasing efficient use of judicial resources and reducing delay in complex cases
- Habeas Corpus Resource Center
- Capital Assistance Project